

SUMMARY OF EXAMINER INTERVIEW

Applicants would like to thank the Examiner for granting an interview on February 7, 2011, and for considering the arguments regarding the deficiencies of the cited references. During the interview, potential claim amendments for independent claim 1 were discussed and the Examiner indicated that the claim amendments, as set forth herein, may overcome the cited references for this case, but a final determination may require further search or consideration.

REMARKS

The Non-Final Office Action dated November 9, 2010, has been received and reviewed. Prior to the present communication, claims 1-9 were pending in the subject application. All claims stand rejected. Each of claims 1, 2, and 8 has been amended herein and claim 20 has been added. Accordingly, claims 1-9 and 20 remain pending. Support for the amendments may be found in the As-Filed Specification, for instance, at ¶¶ [0024] and [0025] and FIG. 2. Care has been exercised to introduce no new matter. Applicants respectfully request reconsideration of the present Application in view of the above amendments and the following remarks.

Rejections based on 35 U.S.C. § 102

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

Claims 1, 5, 6, and 9 have been rejected under 35 U.S.C. 102(b) as being anticipated by “Extending the VA CPRS Electronic Patient Record Order Entry System Using Natural Language Processing Techniques” by Lovis and Payne (hereinafter “Lovis”). As Lovis fails to describe, either expressly or inherently, each and every element as set forth in the claims, Applicants respectfully traverse this rejection.

Independent claim 1, as amended herein, is directed to a computer-implemented method for facilitating placement of health care order entry. In particular, amended claim 1

recites, in part, normalizing the terms of the healthcare order, wherein the normalizing includes separating any number string at the beginning of the healthcare order. Support for this amendment may be found, at least, at ¶ [0024] of the As-Filed Specification. Separating any number string at the beginning of a healthcare order allows, for example, a dosage amount to be separated from dosage units. For instance, if the healthcare order include 650m.g., the separation would result in two search terms, “650” and “m.g.”.

In contrast, Lovis is directed to describing an automated order entry system. *See* Lovis, Abstract. Lovis describes an order entry method using direct natural language based order entry. *Id.* A user’s entries are analyzed using partial string matching to compute a proximity score index. *Id.* at p. 520, col. 1, ¶ 3 to col. 2, ¶ 1.

With respect to independent claim 1, Lovis fails to describe normalizing the terms of the healthcare order, wherein the normalizing includes separating any number string at the beginning of the healthcare order. Lovis does not, at any point, describe this sort of normalization. Rather, Lovis merely describes “chunking” a user’s entry and comparing each “chunk” to a data dictionary. *Id.* at p. 520, col. 2, ¶ 1. Comparing “chunks” of a user’s entry is vastly different from normalizing the terms of the healthcare order including separating any number string at the beginning of the healthcare order, as recited in amended independent claim 1.

For at least the above reasons, it is respectfully submitted that Lovis fails to describe, either expressly or inherently, each and every element recited in amended independent claim 1. Accordingly, Lovis does not anticipate independent claim 1 and withdrawal of the 35 U.S.C. §§ 102(b) rejection of this claim is respectfully requested. Further, each of claims 5, 6, and 9 depends, either directly or indirectly, from independent claim 1 and, accordingly, these

claims are not anticipated by Lovis for at least the above-cited reasons. As such, Applicants request withdrawal of the rejection of claims 5, 6, and 9 as well.

Rejections based on 35 U.S.C. § 103

Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Lovis in view of U.S. Publication No. 2002/0165853 to Gogolak. Claim 2 depends directly from independent claim 1, and, accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of claim 2. *See In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03.

Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Lovis in view of “Response to a Trial of Physician-Based Inpatient Order Entry,” Teich, et al. (hereinafter “Teich”). Claim 3 depends directly from independent claim 1, and, accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of claim 3. *See In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03.

Claim 4 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Lovis in view of “A Semantic Normal Form for Clinical Drugs in the UMLS: Early Experiences with the VANDF,” Nelson, et al. (hereinafter “Nelson”). Claim 4 depends indirectly from independent claim 1, and, accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of claim 4. *See In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03.

Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Lovis in view of U.S. Patent No. 6,377,945 to Risvik. Claim 7 depends indirectly from independent claim 1, and, accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of claim 7. *See In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03.

Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Lovis in view of U.S. Publication No. 2003/0069880 to Harrison, et al. (hereinafter "Harrison"). Claim 8 depends directly from independent claim 1, and, accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of claim 8. *See In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (a dependent claim is obvious only if the independent claim from which it depends is obvious); *see also*, MPEP § 2143.03.

New Claim 20

Claim 20 has been added herein. Claim 20 recites further novel and non-obvious embodiments of the present invention including, among others, converting a case of the terms of the healthcare order to match that existing in a database; determining whether a number exists at an end of the healthcare order; and based on a determination that the healthcare order does not end with a number, separating any number string at the beginning of the healthcare order. Such normalization is not described in Lovis. As such, for at least the above reasons, it is respectfully submitted that claim 20 is patentable over the cited reference. Claim 20 is believed to be in condition for allowance and such favorable action is respectfully requested.

CONCLUSION

For at least the reasons stated above, claims 1-9 and 20 are believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or asturgeon@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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